

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 15047 of 2004

Between:

- 1 M.Jacob S/o. Late M.Ruben, Age:76 Yrs., Retd.,
R/o. 6-92, Raju Colony Balanagar, Hyderabad.42.
- 2 M.Ruben S/o.M.Jacbo, Age:35 Yrs., Govt.Service,
R/o. 6-92, Raju Colony Balanagar, Hyderabad.42.
- 3 M.Prasad S/o.M.Jacbo, Age:40 Yrs., Pvt.Service,
R/o. 6-92, Raju Colony Balanagar, Hyderabad.42.
- 4 M.Rayappa S/o.M.Jacbo, Age:46 Yrs., Service,
R/o. 6-92, Raju Colony Balanagar, Hyderabad.42.
- 5 Smt.K.Saraswathi @ Margrete W/o. Late K.V.Chary
Age:50 Yrs., Housewife, R/o. Plot No.263, Jai Jawan Colony

Raju Colony ECIL Post, Kapra, Hyderabad -62.

- 6 Michal S/o. Late Gnana Mamickam, Age:52, Retd.
R/o. H.No.6-109 SLNS Colony, Balapur X Road, Meerpet Village

R R District. **PETITIONER(S)**

AND

- 1 Govt. of A.P. Rep. by its Prl. Secretary Home Department,

Secretariat, Hyderabad-4.

- 2 The Commissioner of Police Basheerbagh, Hyderabad.
- 3 The Commissioner of Police Cyberabad, Lakdikapool

Hyderabad.

- 4 The Station House Officer, PS Balanagar, R.R.District.
- 5 The Station House Officer PS Karkhana
Secunderabad.**RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in interfering with life and liberty of the petitioners without there being any crime registered against them, as arbitrary, illegal and violative of Art 21 of the Constitution of India and pass such other order or orders as the Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner:MR.C.M.R.VELU

Counsel for Respondents: The Government Pleader for Home.

The Court at the stage of admission made the following Order :

The petitioners, six in number, seek a Writ of *Mandamus* declaring the alleged action of the respondents in interfering with the life and liberty of the petitioners, without there being any crime registered against them as arbitrary, illegal and violative of Article 21 of the Constitution of India.

The case of the petitioners is that one M.Timothy, S/o.late B.Jagdish @ Mathew, who was involved in a murder case under Police Station, Balanagar in the year 1991, happened to be their distant relative. It is further stated that except the said acquaintance, none of the petitioners has got any contacts with that person. Further, the grievance of the petitioners is that the police personnel, on the instructions of respondents 2 to 5, have been frequently visiting the houses of the petitioners and interfering with the life and liberty of the petitioners and their family members by putting harsh and indecent questions as to whereabouts of the said M.Timothy. Hence, this writ petition.

Respondent No.5, Station House Officer, Karkhana Police Station filed counter-affidavit stating that the said M.Timothy was earlier involved in Crime No.116 of 1997 of Karkhana Police Station and he was convicted in the said crime vide C.C.No.1324 of 1997 dated 3-10-1997. Thereafter, the said person was not accused in any of the crime of Karkhana Police Station. The allegation of the petitioners that the police personnel, on the instructions of respondent No.5, have been visiting their houses and interfering with their life and liberty and their family members has been specifically denied and it is categorically stated that at no point of time, the petitioners were called to respondent No.5 Police Station nor they were detained.

In the light of the averments made in the counter-affidavit denying the allegations made by the petitioners, I am of the view that no adjudication is necessary on merits. Accordingly, I deem it appropriate to dispose of the writ petition recording the statement of respondent No.5 that the police personnel have not been visiting the houses of the petitioners and not interfering with the life and liberty of the

petitioners and with further direction that the respondents shall not interfere with the life and liberty of the petitioners without following due process of Law.

The writ petition is accordingly, disposed of. No costs.

30-08-2004

kdl

To

1 The Prl. Secretary Home Department, Govt. of A.P.

Secretariat, Hyderabad-4.

2 The Commissioner of Police Basheerbagh, Hyderabad.

3 The Commissioner of Police Cyberabad, Lakdikapool

Hyderabad.

4 The Station House Officer, PS Balanagar, R.R.District.

5 The Station House Officer PS Karkhana
Secunderabad.

6 Two C.Cs. to the Government Pleader for Home, High Court

Buildings, Andhra Pradesh, (OUT)

7 Two C.D. Copies.

